

CLASSIFICATION OFFICE DECISION

Title of publication: IMG_6279.JPG

Other known title(s): Not stated

OFLC ref: 1900203.042

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 16 years.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 01 August 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 01 August 2019

Summary of reasons for decision:

The image depicts a naked male in a state of sexual arousal. The Classification Office has considered whether the subject in the image presents as a young person and has concluded that there is not enough information available in the image to determine this with any degree of certainty. While he could be a young person he might just as easily be a young adult. Nevertheless, the publication's unrestricted availability is likely to be injurious to the public good. Society perceives a harm in exposing children and young teens to sexualised images before they are developmentally ready. However, as the image does not depict sexual activity it does not need to be restricted to adults. The availability of the publication is therefore restricted to those aged 16 and over. While this restriction limits the right to freedom of expression as provided by the New Zealand Bill of Rights Act 1990, it is the lowest reasonable restriction that can be applied in the interest of preventing injury to the public good.